

AMENDED IN SENATE SEPTEMBER 9, 2015

AMENDED IN SENATE SEPTEMBER 4, 2015

AMENDED IN SENATE AUGUST 17, 2015

AMENDED IN SENATE JULY 1, 2015

AMENDED IN ASSEMBLY MAY 5, 2015

AMENDED IN ASSEMBLY APRIL 27, 2015

AMENDED IN ASSEMBLY MARCH 26, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 3

Introduced by Assembly Member Williams

December 1, 2014

An act to add Part 4 (commencing with Section 61250) to Division 3 of Title 6 of the Government Code, relating to local government.

LEGISLATIVE COUNSEL'S DIGEST

AB 3, as amended, Williams. Isla Vista Community Services District.

The Community Services District Law authorizes the establishment of community services districts and specifies the powers of those districts including, among others, the power to acquire, construct, improve, maintain, and operate community facilities, as specified. Existing law authorizes the formation of the Isla Vista College Community Services District within the unincorporated area of Santa Barbara County known as Isla Vista for the performance of various services, including, but not limited, to public parks, police protection, and transportation facilities.

This bill would authorize the establishment of the Isla Vista Community Services District by requiring the Board of Supervisors of the County of Santa Barbara to submit a resolution of application to the Santa Barbara County Local Agency Formation Commission, and, upon direction by the commission, place the questions of whether the district should be established and whether a utility user tax should be imposed on the ballot at the next countywide election following the completion of the review by the commission. By imposing new duties on the County of Santa Barbara, this bill would impose a state-mandated local program. The bill would provide that if a utility user tax is not passed by the voters of the district on or before January 1, 2023, the district would be dissolved. The bill would set forth the board of directors of the district and would specify the services that district would be authorized to provide, including, among others, the power to create a tenant mediation program and to exercise the powers of a parking district.

This bill would make legislative findings and declarations as to the necessity of a special statute for the Isla Vista Community Services District.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. The Legislature finds and declares all of the
- 2 following:
- 3 (a) The Isla Vista community encompasses a population of
- 4 approximately 15,000 residents situated within approximately a
- 5 half square mile of land in Santa Barbara County. It is adjacent to
- 6 the University of California, Santa Barbara (UCSB) campus and
- 7 its student population, of which approximately 8,000 students
- 8 reside in university owned housing. Including university property,
- 9 the area totals about 1,200 acres. Isla Vista represents one of the
- 10 largest urban communities in California not governed as a city.

1 (b) Isla Vista faces various challenges in local governance. As
2 a university community, Isla Vista must accommodate the service
3 needs associated with its transient student population and a
4 predominantly renter-oriented community while balancing the
5 needs of local homeowners and long-term residents. Isla Vista's
6 situation is complicated by its unincorporated status, which limits
7 its local participation in managing public services and providing
8 needed public improvements.

9 (c) As an unincorporated area, various county agencies provide
10 services to the residents and businesses of Isla Vista. Since these
11 agencies must provide services throughout the whole county, Isla
12 Vista must compete for attention and funding for the services they
13 need. Isla Vista is represented at the county level by one of five
14 supervisors and is situated in the largest and most diverse
15 geographic supervisorial district in the county.

16 (d) The Isla Vista Recreation and Park District is the only local
17 district providing limited services exclusively to Isla Vista. Due
18 to its stewardship of protected wetlands and the coastline, as well
19 as the dwindling amount of available open space, the Isla Vista
20 Recreation and Park District should remain an independent district.

21 (e) There have been multiple attempts at achieving cityhood for
22 Isla Vista; however, cityhood has been denied for a variety of
23 reasons, including financial and political feasibility. In 2003, the
24 Santa Barbara County Grand Jury found that establishing a
25 community services district would be the best governance option
26 to expand and improve services to Isla Vista; however, no action
27 was taken by the community at that time.

28 (f) Over the last year, the Isla Vista community has been faced
29 with many challenges due to tragic events, including multiple
30 injuries from students falling off cliffs, multiple violent sexual
31 assaults, riots, a mass murder, and homicides that have brought
32 focus to the unique needs of Isla Vista that can only be addressed
33 by direct, local governance. Following these events, a local
34 coalition was formed to determine the best direction for Isla Vista
35 self-governance and the community services district has garnered
36 much local support.

37 (g) Additionally, following these events, many trustees on the
38 UC Santa Barbara Foundation Board expressed a strong desire to
39 support the chancellor and the university in efforts to create change
40 in Isla Vista, to ensure a safer and more enhanced community for

1 students. The UC Santa Barbara Foundation Trustees' Advisory
2 Committee on Isla Vista Strategies was formed to analyze the
3 conditions and dynamics of Isla Vista and develop mid- and
4 long-term recommendations to establish a viable, safe, and
5 supportive environment. Among their recommendations is that the
6 State of California create a Community Services District/Municipal
7 Improvement District in Isla Vista with potential powers of
8 infrastructure, utilities, garbage, police services, parks, recreation,
9 cultural facilities, fire, security, and roads.

10 SEC. 2. Part 4 (commencing with Section 61250) is added to
11 Division 3 of Title 6 of the Government Code, to read:

12
13 PART 4. ISLA VISTA COMMUNITY SERVICES DISTRICT

14
15 61250. (a) Notwithstanding Chapter 2 (commencing with
16 Section 61010) of Part 1, the Isla Vista Community Services
17 District may be established in accordance with this part. All other
18 provisions of this division shall apply to the Isla Vista Community
19 Services District upon its establishment, except as provided in this
20 part.

21 (b) (1) On or before January 5, 2016, the Board of Supervisors
22 of the County of Santa Barbara shall file a resolution of application
23 with the Santa Barbara County Local Agency Formation
24 Commission, pursuant to subdivision (a) of Section 56654, to
25 initiate a comprehensive review and recommendation of the
26 formation of the district by the Santa Barbara County Local Agency
27 Formation Commission. The board of supervisors shall pay any
28 fees associated with the resolution of application.

29 (2) The Santa Barbara County Local Agency Formation
30 Commission shall complete the review no later than 150 days
31 following receipt of the completed resolution of application.
32 Notwithstanding any other law, the Santa Barbara County Local
33 Agency Formation Commission shall not have the power to
34 disapprove the resolution of application.

35 (3) Notwithstanding any other law, the resolution of application
36 filed by the board of supervisors pursuant to this subdivision shall
37 not be subject to any protest proceedings.

38 (c) (1) The Santa Barbara County Local Agency Formation
39 Commission shall order the formation of the district subject to a
40 vote of the registered voters residing within the boundaries of the

1 district, as those boundaries are set forth in subdivision ~~(e)~~; (f), at
2 an election following the completion of the review pursuant to
3 subdivision (b). If a majority of voters within the boundaries of
4 the district, as specified in subdivision ~~(d)~~; (f), vote in favor of the
5 district, the district shall be formed in accordance with this part.

6 (2) (A) The Santa Barbara Local Agency Formation
7 Commission shall determine the appropriate rate of taxation for a
8 utility user tax, applicable utilities to be taxed, and which services
9 the district will be initially authorized to provide, pursuant to
10 subdivision (d) and paragraph (5) of subdivision (g). The rate shall
11 be no lower than 5 percent and no higher than 8 percent of the total
12 cost of an individual's service charge for the utility being taxed.

13 (B) The utility user tax shall only be applied to electricity,
14 garbage disposal, gas, sewage, or water services.

15 (3) If the voters of the district do not vote to impose a utility
16 user tax within the district on or before January 1, 2023, regardless
17 of whether the establishment of the district is approved by the
18 voters of the district, the district shall be dissolved as of that date.

19 (4) The Santa Barbara Local Agency Formation Commission
20 shall direct the Santa Barbara County Board of Supervisors to
21 direct county officials to conduct the necessary elections on behalf
22 of the proposed district and place the items on the ballot including
23 district approval, candidates for the district's board, and the utility
24 user tax pursuant to subparagraph (A) of paragraph (2) at the next
25 countywide election, as provided in subdivision (f) of Section
26 61014.

27 (d) (1) The initial utility user tax imposed by the district shall
28 only be used to fund the following services and powers of the
29 district:

30 (A) Finance the operations of municipal advisory councils
31 formed pursuant to Section 31010.

32 (B) Create a tenant mediation program.

33 (C) Finance the operations of area planning commissions formed
34 pursuant to Section 65101.

35 (D) Exercise the powers of a parking district, in the same manner
36 as a parking district formed pursuant to the Parking District Law
37 of 1951 (Part 4 (commencing with Section 35100) of Division 18
38 of the Streets and Highways Code).

39 (E) Contract with the County of Santa Barbara or the Regents
40 of the University of California, or both, for additional police

1 protection services to supplement the level of police protection
2 services already provided by either the County of Santa Barbara
3 or the Regents of the University of California within the area of
4 the district.

5 (F) Acquire, construct, improve, maintain, and operate
6 community facilities, including, but not limited to, community
7 centers, libraries, theaters, museums, cultural facilities, and child
8 care facilities.

9 (G) Acquire, construct, improve, and maintain sidewalks,
10 lighting, gutters, and trees to supplement the level of service
11 already provided by either the County of Santa Barbara or County
12 Service Area 31. The district shall not acquire, construct, improve,
13 or maintain any work owned by another public agency unless that
14 other public agency gives its written consent.

15 (H) Abate graffiti.

16 (2) This subdivision shall not be construed to limit the services
17 that may be funded by a tax imposed at a later date.

18 (e) (1) Notwithstanding Chapter 1 (commencing with Section
19 61020), Chapter 2 (commencing with Section 61025), and Chapter
20 3 (commencing with Section 61040) of Part 2, the board of
21 directors of the district shall be composed as follows:

22 (A) Five members elected at large from within the district as
23 follows:

24 (i) Four members shall be elected for terms of four years. For
25 the first election of the board of directors of the district, two
26 members shall be elected for a term of two years and two members
27 shall be elected for a term of four years.

28 (ii) One member shall be elected for a term of two years.

29 (B) One member appointed by the Board of Supervisors of the
30 County of Santa Barbara for a term of two years for the first
31 appointment following the creation of the district, and for a term
32 of four years thereafter.

33 (C) One member appointed by the Chancellor of the University
34 of California, Santa Barbara for a term of four years.

35 (2) (A) There shall be no limit on the number of terms any
36 individual may serve on the board of directors of the district,
37 whether that individual is appointed or elected.

38 (B) The qualification of candidates for the initial board of
39 directors shall be conducted pursuant to the Uniform District

1 Election Law (Part 4 (commencing with Section 10500) of the
2 Elections Code).

3 (f) The boundaries of the district shall be contiguous with the
4 area known as County Service Area No. 31 within the County of
5 Santa Barbara and shall exclude any property owned by the Regents
6 of the University of California within those boundaries.

7 (g) The district may, within its boundaries, do any of the
8 following:

9 (1) Create a tenant mediation program.

10 (2) Exercise the powers of a parking district, in the same manner
11 as a parking district formed pursuant to the Parking District Law
12 of 1951 (Part 4 (commencing with Section 35100) of Division 18
13 of the Streets and Highways Code).

14 (3) Contract with the County of Santa Barbara or the Regents
15 of the University of California, or both, for additional police
16 protection services to supplement the level of police protection
17 services already provided by either the County of Santa Barbara
18 or the Regents of the University of California within the area of
19 the district.

20 (4) Acquire, construct, improve, and maintain sidewalks,
21 lighting, gutters, and trees to supplement the level of service
22 provided by either the County of Santa Barbara or County Service
23 Area 31. The district shall not acquire, construct, improve, or
24 maintain any work owned by another public agency unless that
25 other public agency gives its written consent.

26 (5) Levy a utility user tax proposed by resolution of the board
27 of directors of the district and pursuant to approval by a two-thirds
28 vote in accordance with Section 2 of Article XIII C of the California
29 Constitution on the utilities of gas, water, electricity, sewer, or
30 garbage disposal services. A utility user tax imposed by the district
31 shall not apply to any utility provided by a telecommunications
32 service provider.

33 (6) Contract with the County of Santa Barbara, the Santa Barbara
34 County Department of Planning and Development's Code
35 Enforcement Program, or both, to provide Code Enforcement
36 services to supplement the level of service provided by either the
37 County of Santa Barbara or the Santa Barbara County Department
38 of Planning and Development's Code Enforcement Program, or
39 both. This includes, but is not limited to, contracting for dedicated
40 Zoning Enforcement services pursuant to Chapter 35 of the Santa

1 Barbara County Code, or contracting for dedicated Building
2 Enforcement services pursuant to Chapters 10 and 14 of the Santa
3 Barbara County Code. These contracted services may be proactive
4 or reactive in their enforcement, as specified by the individual
5 contract.

6 (h) Following the creation of the district, the district may petition
7 the Santa Barbara Local Agency Formation Commission pursuant
8 to the Cortese-Knox-Hertzberg Local Government Reorganization
9 Act of 2000 (Division 3 (commencing with Section 56000) of Title
10 5) to exercise new or different functions or classes of services
11 listed in Section 61100, except those powers specified in
12 subdivisions (e) and (f) of that section, in addition to those
13 functions or services that were authorized at the time the district
14 was created.

15 (i) The services provided by the district shall not supplant the
16 level of services provided by the County of Santa Barbara, the Isla
17 Vista Recreation and Park District, the University of California,
18 Santa Barbara, or any other service provider.

19 (j) The district does not possess, and shall not exercise, the
20 power of eminent domain.

21 (k) As used in this part, the term “district” means the Isla Vista
22 Community Services District formed pursuant to this part.

23 (l) The Cortese-Knox-Hertzberg Local Government
24 Reorganization Act of 2000 (Division 3 (commencing with Section
25 56000) of Title 5) shall not apply to the formation of the district
26 pursuant to subdivisions (b) and (c), to the selection of functions
27 or services that may be provided pursuant to subdivision (d), or to
28 the selection of functions or services to be provided pursuant to
29 subdivision (g) upon establishment of the district, except as
30 specified in this part. The act shall apply to any other change of
31 organization or reorganization as defined in that act, following the
32 establishment of the district, including, but not limited to, the
33 exercise of new or different functions or classes of services
34 authorized pursuant to subdivision (g) or (h) that were not selected
35 upon establishment of the district.

36 SEC. 3. The Legislature finds and declares that a special law
37 is necessary and that a general law cannot be made applicable
38 within the meaning of Section 16 of Article IV of the California
39 Constitution because of the unique community needs in the Isla

1 Vista area that would be served by the Isla Vista Community
2 Services District.

3 SEC. 4. If the Commission on State Mandates determines that
4 this act contains costs mandated by the state, reimbursement to
5 local agencies and school districts for those costs shall be made
6 pursuant to Part 7 (commencing with Section 17500) of Division
7 4 of Title 2 of the Government Code.

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